



JC06 Rec **PT/PTO** 18 MAY 2005 *pc*

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/520,863

Filing Date

January 11, 2005

First Named Inventor

Shue, Youe-Kong

Art Unit

Examiner Name

Attorney Docket Number

8024-005-US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Catalyst Law Group, APC		
Signature	<i>Laura Pereira</i>		
Printed name	Laura Pereira, Esq.		
Date	May 16, 2005	Reg. No.	55,534

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Jennifer Hopper</i>		
Typed or printed name	Jennifer Hopper	Date	May 16, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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#3

Rec'd PCT/PTO 18 MAY 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Examiner: TBD
)	
Optimer Pharmaceuticals, Inc.)	Group Art Unit: TBD
)	
Serial No.: 10/520,863)	Docket No.: 8024-005-US
)	
Filed: January 11, 2005)	Date Mailed: May 16, 2005
)	
For: TIACUMICIN PRODUCTION)	

INFORMATION DISCLOSURE STATEMENT

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

This document is an Information Disclosure Statement to the above-cited patent application.

Attached is at least one form PTO/SB/08A/B listing documents believed relevant to the subject application. The submission of the following information is not intended, nor should it be construed, to constitute an admission that any patent, article, or other

information referred to herein is "prior art" unless specifically designated as such. In accordance with 37 C.F.R. § 1.97(b), the filing of this information shall not be construed to mean that a search has been made or that no other material information may exist. Neither should its submission be construed to indicate that a thorough search should not be conducted by the Examiner.

It is believed that this disclosure complies with the requirements of 37 C.F.R. § 1.96, § 1.97, and § 1.98 and the Manual of Patent Examining Procedures § 707.05(b). If for some reason the Examiner considers otherwise, it is respectfully requested that the undersigned be telephoned at (858) 450-0099 x304 so that any deficiencies can be remedied.

It is believed that this Information Disclosure Statement is being submitted before the mailing of an Office Action on the merits. Accordingly, no fee is believed to be due under 37 C.F.R. § 1.97(b)(3). If an Office Action on the merits has in fact been mailed, authorization is hereby given to charge the required fee of \$180.00 under 37 C.F.R. § 1.97(c)(2) and § 1.17(p) to Deposit Account No. 502-235.

A copy of each journal document is enclosed. Some of the journal documents may have markings thereon. No significance is to be attached to the markings. These documents are not necessarily analogous art. Additionally, the order of the following documents is to be accorded no particular import, as the order thereof is completely fortuitous.


It is respectfully requested that these documents be: (1) fully considered by the Patent and Trademark Office during the prosecution of this application; and (2) represented on any patent which may issue on the application. Applicant respectfully requests that copies of the forms PTO/SB/08A/B, as considered and initialed by the Examiner, be returned with the next communication.

1. U.S. Patent No. 4,918,174, issued on April 17, 1990 to applicants McAlpine, et al.;
2. A publication, Theriault, Robert J., et al., "Tiacumicins, A Novel Complex of 18-Membered Macrolide Antibiotics" J. Antibiotics, Vol. XL, 5, pgs. 567-574, 1987.
3. A publication, Demain et al. "Manual of Industrial Microbiology and Biotechnology", American Society for Microbiology, Washington D.C., 1986, pgs. 123-126.

If any issues remain, the Examiner is respectfully requested to telephone the undersigned at (858) 450-0099.

Respectfully submitted,

Date: May 16, 2005



Laura Pereira, Esq.
Registration 55,534

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PTO/SB/08A (08-03)

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/520,863
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Filing Date	January 11, 2005
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First Named Inventor	Shue, Youe-Kong
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Art Unit

Examiner Name

Attorney Docket Number	8024-005-US
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Sheet	1	of	2
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND**

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/520,863
		Filing Date	January 11, 2005
		First Named Inventor	Shue, Youe-Kong
		Art Unit	
		Examiner Name	
Sheet 2	of 2	Attorney Docket Number	8024-005-US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Demain et al. "Manual of Industrial Microbiology and Biotechnology", American Society for Microbiology, Washington D.C., 1986, pgs. 123-126.	
		Theriault, Robert J., et al., "Tiacumicins, A Novel Complex of 18-Membered Macrolide Antibiotics" J. Antibiotics, Vol. XL, 5, pgs. 567-574, 1987.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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